

DETAILED ACTION

Status of Claims

1. This action is in reply to the national stage entry application filed on 9 June 2006.
2. Claims 1-23 are currently pending and have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
5. Claims 1-23 rejected under 35 U.S.C. 102(b) as being anticipated by Brady et al. (WO 00/23994).

Claims 1 and 12:

Brady, as shown, discloses the following limitations:

- *spatially co-located first component part (20,30) and second component part (40,50,60) (see at least Figure 1),*
- *said first component part (20,30) comprising a consumer product and said second component part (40,50,60) being operable to encourage a purchaser*

of the device (10) to seek one or more further products (220) (see at least Figure 1),

- *said second part (40,50,60) being electronically responsive when spatially presented by the purchaser at retailing premises (200) to enable the purchaser to gain access to and/or take possession of said one or more further products (220) (see at least Figure 1).*

Claims 2 and 13:

Brady, as shown, discloses the following limitations:

- *the device (10) is arranged in operation to cause the purchaser to be exposed to a range of other purchasing opportunities when said device (10) is spatially presented in proximity of said retailing premises (200,230) for purposes of gaining access to and/or taking possession of said one or more further products (220) (see at least Page 21, Lines 1-6).*

Claims 3 and 14:

Brady, as shown, discloses the following limitations:

- *said one or more further products (30) are included in the first component part in initially substantially inaccessible form at an instance when the purchaser purchases the device (10), (see at least Page 22, Lines 15-21),*
- *said one or more further products subsequently being rendered accessible when the purchaser presents said device (10) at said retailing premises (200) (see at least Page 22, Lines 15-21).*

Claims 4 and 15:

Brady, as shown, discloses the following limitations:

- *the device (10) is arranged so that initial access at said retailing premises (200) for providing subsequent access by the purchaser to said one or more further products is limited to at least one time interval (see at least Page 23, Lines 5-13).*

Claims 5 and 16:

Brady, as shown, discloses the following limitations:

- *the second component part (40, 50, 60) includes a communication transponder (60) for use in communicating at said retailing premises (200,230) to enable the purchaser to gain access and/or take possession of said one or more further products (220; 30) (see at least Page 25, Lines 1-10).*

Claims 6 and 17:

Brady, as shown, discloses the following limitations:

- *said transponder (60) includes at least one of an optical transponder, a radio transponder, an acoustic transponder and an electrically-connectable contact transponder (see at least Page 25, Line 6, FRFID transponder).*

Claims 7 and 18:

Brady, as shown, discloses the following limitations:

- *the second component part (40, 50, 60) includes a data field (40) for use in identifying to said retailing premises (200) an identification for said second component part (40,50,60) (see at least Page 24, Lines 9-18).*

Claims 8 and 19:

Brady, as shown, discloses the following limitations:

- *said second component part (40, 50, 60) includes a data field (50) for storing access indicative data indicative of whether or not said one or more further products (220,30) have been made available to the purchaser (see at least Page 23, Lines 14-22).*

Claims 9 and 20:

Brady, as shown, discloses the following limitations:

- *the first component part (20,30) is a data carrier bearing (20) the consumer product in readily accessible software form (see at least Figure 1).*

Claims 10 and 21:

Brady, as shown, discloses the following limitations:

- *the first and second component parts are a substantially unitary item (see at least Figure 1).*

Claims 11 and 22:

Brady, as shown, discloses the following limitations:

- *the first component part (20,30) is a compact disc susceptible to optical interrogation, and the second part is a radio transponder device incorporated as a part of the disc and substantially unitary therewith (see at least Figure 1).*

Claim 23:

- *A sales promotion system (10,230) comprising at least one sales promotion device (10) for modifying purchasing behavior and retailing premises (200) including communicating means (230) for communicating with said at least one device (10) when presented in spatial proximity therewith (see at least Figure 1),*
- *said at least one device (10) including spatially co-located first (20,30) and second (40,50,60) component parts (see at least Figure 1),*
- *said first component part (20, 30) comprising a consumer product (see at least Figure 1),*
- *said second component part (40,50,60) being operable to encourage a purchaser of said at least one device (10) to seek one or more further products (230,30) (see at least Figure 1),*
- *said second part (60) being electronically responsive when spatially presented by the purchaser to said communicating means (230) at retailing premises (200) to enable the purchaser to gain access and/or take*

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possession of said one or more further products (230,30) (see at least Figure 1).

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Conclusion

6. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Eric Stamber** can be reached at **571.272.6724**.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450, Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

9. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

Randolph Building
401 Dulany Street
Alexandria, VA 22314.

/Nathan C Uber/ Examiner, Art Unit 3622
16 June 2008

/Arthur Duran/
Primary Examiner, Art Unit 3622
6/17/2008